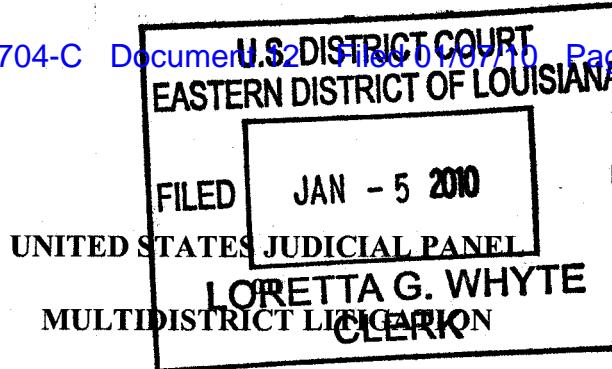


A CERTIFIED TRUE COPY

ATTEST

By Daron Payne on Jan 05, 2010

FOR THE UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATIONUNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

Dec 18, 2009

FILED
CLERK'S OFFICE

**IN RE: APPLE IPHONE 3G AND 3GS "MMS"
MARKETING AND SALES PRACTICES LITIGATION**

MDL No. 2116

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-1)

On December 3, 2009, the Panel transferred 11 civil actions to the United States District Court for the Eastern District of Louisiana for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* ____ F.Supp.2d ____ (J.P.M.L. 2009). With the consent of that court, all such actions have been assigned to the Honorable Carl J. Barbier.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Eastern District of Louisiana and assigned to Judge Barbier.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Louisiana for the reasons stated in the order of December 3, 2009, and, with the consent of that court, assigned to the Honorable Carl J. Barbier.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Louisiana. The transmittal of this order to said Clerk shall be stayed 14 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 14-day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is
pending at this time, the
stay is lifted.

Jan 05, 2010

CLERK'S OFFICE
UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:

Jeffery N. Lüthi
Clerk of the Panel

CLERK'S OFFICE
A TRUE COPY

Jan 07 2010

Stephanie Hall
Deputy Clerk, U.S. District Court
Eastern District Of Louisiana
New Orleans, LA

Fee _____
Process _____
X Dktd _____
ClerkDep _____
Doc. No. _____

**IN RE: APPLE IPHONE 3G AND 3GS "MMS"
MARKETING AND SALES PRACTICES LITIGATION**

MDL No. 2116

SCHEDULE CTO-1 - TAG-ALONG ACTIONS

EDLA
SEC J/2

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>	
ALABAMA SOUTHERN ALS 1 09-704	Clyde Bernard Franklin v. Apple, Inc., et al.	10-0018
MICHIGAN EASTERN MIE 2 09-13938	Ryan Baxter v. Apple, Inc., et al.	10-0019
NEW YORK SOUTHERN NYS 1 09-9505	Francis P. Monticelli v. Apple, Inc., et al.	10-0020

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

CHAIRMAN:

John G. Heyburn II
United States District Court
Western District of Kentucky

MEMBERS:

Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

W. Royal Furgeson, Jr.
United States District Court
Northern District of Texas

DIRECT REPLY TO:

Jeffery N. Lüthi
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: [202] 502-2800
Fax: [202] 502-2888
<http://www.jpm.uscourts.gov>

Kathryn H. Vratil
United States District Court
District of Kansas

Frank C. Damrell, Jr.
United States District Court
Eastern District of California

David R. Hansen
United States Court of Appeals
Eighth Circuit

David G. Trager
United States District Court
Eastern District of New York

January 5, 2010

Loretta G. Whyte, Clerk
U.S. District Court
500 Poydras Street
Room C-151
New Orleans, LA 70130

Re: MDL No. 2116 -- IN RE: Apple iPhone 3G and 3GS "MMS" Marketing and Sales Practices Litigation

(See Attached CTO-1)

Dear Ms. Whyte:

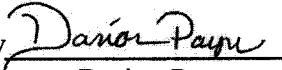
Attached as a PDF document is a certified copy of a conditional transfer order filed by the Panel in the above-captioned matter on December 18, 2009. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 14 days to give any party an opportunity to oppose the transfer. The 14-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By 
Darion Payne
Deputy Clerk

Attachments (Conditional Transfer Order is a Separate Document)

cc: Transferee Judge: Judge Carl J. Barbier

JPML Form 36A

**IN RE: APPLE IPHONE 3G AND 3GS "MMS"
MARKETING AND SALES PRACTICES LITIGATION**

MDL No. 2116

PANEL SERVICE LIST (CTO-1)

Daniel E. Becnel, Jr.
BECNEL LAW FIRM LLC
106 West Seventh Street
P.O. Drawer H
Reserve, LA 70084

Scott R. Bickford
MARTZELL & BICKFORD
338 Lafayette Street
New Orleans, LA 70130

John R. Climaco
CLIMACO LEFKOWITZ PECA WILCOX
& GARFOLI CO LPA
55 Public Square
Suite 1950
Cleveland, OH 44113

Timothy A. Engelmeyer
ENGELMEYER & PEZZANI LLC
13321 N. Outer Forty Road
Suite 300
Chesterfield, MO 63017

Mark J. Geragos
GERAGOS & GERAGOS
644 South Figueroa Street
Los Angeles, CA 90017

Daniel L. Germain
ROSMAN & GERMAIN LLP
16311 Ventura Boulevard, Suite 1200
Encino, CA 91436-2152

Anita Magdalena Jaskot
LAW OFFICES OF ROBERT M BRILL LLC
880 Third Avenue
13th Floor
New York, NY 10022

D. Scott Kalish
SCOTT KALISH CO LLC
1468 West 9th Street, Suite 405
Cleveland, OH 44113

Max Coleman Marx
LAW OFFICES OF MAX C MARX
301 Napoleon Street
Baton Rouge, LA 70802

Ronnie G. Penton
LAW OFFICES OF RONNIE G PENTON
209 Hoppen Place
Bogalusa, LA 70427

Frank E. Piscitelli, Jr.
PISCITELLI LAW FIRM
55 Public Square, Suite 1950
Cleveland, OH 44113

Penelope A. Preovolos
MORRISON & FOERSTER LLP
425 Market Street
32nd Floor
San Francisco, CA 94105

Daniel D. Quick
DICKINSON WRIGHT PLLC
38525 Woodward Ave
Suite 2000
Bloomfield Hills, MI 48304-2970

Joel J. Schwartz
ROSENBLUM SCHWARTZ
ROGERS GLASS PC
120 South Central Avenue
Suite 130
Clayton, MO 63105

Kevin A. Seely
ROBBINS UMEDA LLP
600 B Street
Suite 1900
San Diego, CA 92101

Kathleen T. Sooy
CROWELL & MORING LLP
1001 Pennsylvania Avenue, N.W.
Washington, DC 20004

MDL No. 2116 - Panel Service List (CTO-1) (Continued)

Brian R. Strange
STRANGE & CARPENTER
12100 Wilshire Boulevard
Suite 1900
Los Angeles, CA 90025

Steven N. Williams
COTCHETT PITRE & MCCARTHY
840 Malcolm Road
Suite 200
Burlingame, CA 94010